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Legal Analysis of Storing Cutlery From Gold and Silver Perspective of the Syafi'i Opinion

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Abstract

The use of gold and silver in cutlery and containers has become a symbol of social status and wealth in various societies, including in Roman times, Europe, America and the Archipelago. This research is a type of library research, which involves reading, studying and analyzing various relevant literature. keeping containers of gold and silver is haram, and can be understood as a step taken to avoid the potential for excessive use, waste of property, or even the impression of arrogance that can arise from the use of these luxury items. However, al Imrani argued that there was no prohibition against keeping containers or cutlery made of gold. According to him, keeping valuable cutlery, such as those made of gold and silver, is permitted because it has economic value which can assist in the development of one's wealth. In the Ushul Fiqh Science Discipline, the prohibition of the use of storing containers made of gold and silver is carried out using the sadd al-żari'ah approach, namely deciding the path of damage. Imam Ibn al-Qasim outlines his views on the use of vessels involving gold or silver coating. According to him, if a vessel contains a layer of gold or silver and if the vessel is placed at a high temperature so that the gold or silver coating melts or disappears, then the use of such a vessel is considered haram.

Keywords: *Law, Tableware/Utensils, Gold Silver, Shafi'i School*

Abstrak

Penggunaan emas dan perak dalam alat makan dan wadah telah menjadi simbol status sosial dan kekayaan dalam berbagai masyarakat, termasuk di zaman Romawi, Eropa, Amerika, dan Nusantara. Penelitian ini merupakan jenis penelitian pustaka (library research), yang melibatkan membaca, menelaah, dan menganalisis berbagai literatur relevan Mayoritas ulama mazhab Syafi'i sepakat untuk mengharamkan penyimpanan wadah yang terbuat dari emas dan perak. menyimpan wadah dari emas dan perak adalah haram, dapat dipahami sebagai langkah yang diambil untuk menghindari potensi penggunaan yang berlebihan, kemubaziran harta, atau bahkan kesan angkuh yang dapat timbul dari penggunaan benda-benda mewah tersebut. akan tetapi al imrani berpendapat bahwa tidak ada larangan untuk menyimpan wadah atau peralatan makan yang terbuat dari emas. Menurutnya, menyimpan peralatan makan yang berharga, seperti yang terbuat dari emas dan perak, diizinkan karena memiliki nilai ekonomi yang dapat membantu dalam perkembangan harta seseorang. Dalam Disiplin Ilmu Ushul Fikih hukum Keharaman penggunaan menyimpan wadah yang terbuat dari emas dan perak dilakukan dengan pendekatan sadd al-żari‟ah yakni memutuskan jalan kerusakan.

Imam Ibn al-Qasim menguraikan pandangannya mengenai penggunaan bejana yang melibatkan lapisan emas atau perak. Menurutnya, jika sebuah bejana mengandung lapisan emas atau perak dan jika bejana tersebut ditempatkan di suhu yang tinggi sehingga lapisan emas atau perak tersebut meleleh atau hilang, maka penggunaan bejana semacam itu dianggap haram.

Kata Kunci: *Hukum, Wadah, Peralatan Makan, Emas Perak, Mazhab Syafi'i*

INTRODUCTION

Since Roman times, the use of precious metals in cutlery was reserved for the nobility and the very wealthy. Royalties ate gold and silver dishes, while commoners were relegated to steel, tin, and wood. However, it was not until Catherine de Medici came from Italy to France carrying a set of fine silver forks and spoons that a full set of silverware was introduced to the French court. European royalty often used silver dishes, and children were fed by nannies using silver spoons, which signified the family's wealth.[1] until the end of the 19th century. Indeed, the ability to own and control precious metals has always been the prerogative of the nobility and the wealthy merchant class. During the Ottoman Empire, for example, only the Sultans ate from gold plates, whereas the women's harem had silver plates for eating.[2]

In the 18th century, silver cutlery and serving utensils were popular in Europe and America for those who could afford them. The Gorham Manufacturing Company began making table silver in the United States in 1831. Each piece was forged by hand, and two men could make two dozen pieces a day. In 18th-century American society, silverware became associated with women of the affluent class. At that time, women could not legally own land or other property, so their scope of life was limited to the home and family. For this reason, silver was so important as a woman's contribution to the financial part of the marriage, and it was often purchased for her individually and stored in so-called "wishing chests", along with other household items such as linens and blankets. Purchased with women's tastes in mind, most silverware is designed for

[1] admin, "From Louis XIV to La Villa: The Illustrious History of Silverware," *La Villa* (blog), 1 Desember 2022, https://www.lavilla-restaurant.com.vn/from-louis-xiv-to-la-villa-the-illustrious-history-of-silverware/.

[2] "Perak | Ensiklopedia.com," diakses 24 Juli 2023, https://www.encyclopedia.com/literature-and-arts/fashion-design-and-crafts/arts-and-crafts/silverware.

women. Silver flatware, along with other household items, is traditionally monogrammed with the bride's initials.[3]

In the archipelago itself, there is a tradition of eating Rijsttafel, which is a culture of eating which, if taken literally, rijs means rice and tafel means table. However, in a later sense, Rijsttafel is better known as a rice dish. Rijsttafel is a manifestation of the existence of Indis culture. Rijsttafel exists as a product of a mixture of cultures, namely Dutch and Javanese. Rijsttafel began to exist and be known in the 19th century, then in the 20th century, its popularity increased.[4] Unlike the usual banquet, Rijsttafel emphasizes the process of serving food on the table. Luxury is the main element in this banquet, so it is not surprising that Rijsttafel is practiced by people with high social status.[5] The material used for cutlery is also not arbitrary. For the Dutch, the use of this material for cutlery also defines a level of wealth. The Dutch usually use cutlery made of silver, crystal or gold. In a rijsttafel banquet, the host usually serves the food on silverware, giving the impression of elegance and luxury. Even the place for rice and side dishes is also not arbitrary. The rice is placed in a certain container, while the side dishes are placed in another silver container.[6]

Therefore, this research provides in-depth insight into how the use of gold and silver in cutlery and containers has become a symbol of social status and wealth in various societies, including in the Roman, European, American, and Archipelago eras. Furthermore, this study explores the views of the Islamic religion, especially in the perspective of the Syafi'i School of Jurisprudence, towards the use of this precious metal.

METHOD

This research is a type of library research, which involves reading, reviewing, and analyzing various relevant literature, including the Qur'an, hadith, books, and previous research. The literature approach allows researchers to gain an in-depth

[3] "Perak | Ensiklopedia.com."
[4] Laili Windyastika dan Heri Priyatmoko, "Lidah Pribumi Bergoyang: Rijsttafel dan Gaya Hidup Elite Jawa di Vorstenlanden 1900-1942," *Bandar Maulana* 25, no. 1 (2020), https://e-journal.usd.ac.id/index.php/BandarMaulana/article/view/3663.
[5] "Rijsttafel : budaya kuliner di Indonesia masa kolonial 1870-1942 / penulis, Fadly Rahman ; editor, Cici Hardjono & Wikan Retna | OPAC Perpustakaan Nasional RI.," diakses 24 Juli 2023, https://opac.perpusnas.go.id/DetailOpac.aspx?id=1017520.
[6] "Rijsttafel : budaya kuliner di Indonesia masa kolonial 1870-1942 / penulis, Fadly Rahman ; editor, Cici Hardjono & Wikan Retna | OPAC Perpustakaan Nasional RI."

understanding of the topic under study through careful review and study of the various available text sources. By relying on literature references, this research covers a broad time frame and provides comprehensive insights into the issues studied based on contributions from various authors and experts in relevant fields.[7]

This research relies on library sources, such as books, journals, articles, and other documents, as a basis for seeking information and understanding of a particular topic. This qualitative approach focuses on analyzing the text and content of these literary sources, with the aim of understanding and exploring the meaning contained therein.[8]

This research method does not involve direct data collection from respondents or participants, but instead focuses on analyzing relevant literature materials. Researchers use a thorough and systematic approach to read, review, and analyze the contents of various literature relevant to the research topic. In this study, researchers tried to find patterns, themes, or insights that emerged from the various sources of literature studied.[9]

RESULTS AND DISCUSSION

1. The Law of Storing Vessels of Gold and Silver

In history, there has been a change of opinion regarding the law of storing containers made of gold and silver based on the views of Imam Syafi'i. At first, Imam Syafi'i was of the opinion that the use of gold and silver containers was not forbidden. However, in subsequent developments, he withdrew his opinion and stated that using or storing containers made of gold and silver was unlawful.[10]

Imam Syafi'i's initial opinion that he allowed gold and silver containers to be kept was probably based on the consideration that these valuable materials could be used fairly and according to needs without causing religious violations. However, along with a deeper understanding of the social consequences and

[7] "Dasar Metodologi Penelitian Dr. Sandu Siyoto, SKM, M.Kes M. Ali Sodik, MA - PDF Drive," diakses 21 Juli 2023, http://www.pdfdrive.com/dasar-metodologi-penelitian-dr-sandu-siyoto-skm-mkes-m-ali-sodik-ma-e50467538.html.

[8] "Metode penelitian pendidikan : (pendekatan kuantitatif, kualitatif dan R & D) / Sugiyono | OPAC Perpustakaan Nasional RI.," 22, diakses 15 Februari 2023, https://opac.perpusnas.go.id/DetailOpac.aspx?id=281396.

[9] "Dasar Metodologi Penelitian Dr. Sandu Siyoto, SKM, M.Kes M. Ali Sodik, MA - PDF Drive."

[10] Abi Qasim Abdul Karim Muhammad Ar-Rafi'i, *Fathul Aziz Syarah Al Wajiz*, 1 ed., vol. 1 (Beirut Lebanon: Darul Kutub Ilmiah, 1998).

religious values, Imam Shafi'i later realized the potential problems that might arise from the use of these precious vessels. Imam Syafi'i's decision to declare that using or keeping containers made of gold and silver is forbidden, can be understood as a step taken to avoid the potential for excessive use, waste of wealth, or even the impression of arrogance that can arise from using these luxury items.

This has led to different views among followers of Imam Syafii, including Imam Nawawi, regarding the permissibility of keeping containers or cutlery made of gold and silver. Imam Nawawi commented that the majority of scholars agreed that it was not permissible to keep containers or cutlery made of gold and silver. This is because the use of containers or cutlery is considered a form of arrogance and waste.[11]

According to Imam Nawawi's view, gold and silver are materials that have high value and tend to belong to the category of luxury goods. The use of containers or cutlery made of these precious metals can create an impression of arrogance or arrogance because they reflect luxury and high social status.[12] In addition, the use of valuable items such as gold and silver for daily purposes such as eating and drinking is considered a form of waste because these items have high economic value.

Imam Nawawi said that containers or cutlery made of gold and silver are not allowed to be stored because it is considered that the use of containers or cutlery made of gold and silver which is considered a manifestation of arrogance and extravagance can conflict with religious values which teach simplicity, humility. , and avoid wasting assets. He stressed the importance of respecting religious values by maintaining simplicity and avoiding the use of luxury items in everyday life. This view reflects efforts to live according to religious teachings and draw closer to Allah in a humble and full of simplicity manner. Therefore, he stated that the majority of scholars agreed to prohibit the practice of storing containers or cutlery made of these precious metals.

In the view of Imam Nawawi, it is important for a Muslim to maintain simplicity in everyday life and avoid things that can create an exaggerated or

[11] Abi Zakariya Muhyidin An Nawawi, *MAJMU SYARAH AL MUHAZAB LIL IMAM AS SYAIRAZI*, vol. 1 (Jedah: Maktabah Al Irsyad, 1981).
[12] An Nawawi, 1:252.

prejudiced impression in the eyes of others. Therefore, he recommends using simple and unobtrusive containers and cutlery, which are in accordance with religious values that teach simplicity and piety.

Imam Arafi'i adheres to the view that it is forbidden to keep containers made of gold or silver. This view is because he drew parallels with the law of storing musical instruments. For Imam Arafi'i, keeping musical instruments is considered haram because musical instruments can be used for purposes that are not justified in religion. Therefore, according to Imam Arafi'i's point of view, the prohibition against storing containers made of gold and silver is also based on the potential for use that is inconsistent with religious values in everyday life..[13]

By associating views with musical instruments, Imam Arafi'i associates them with precious vessels, such as gold and silver. He believes that keeping these precious containers also has the potential to have negative impacts, including encouragement to excessive behavior, arrogance, or wastage of wealth. From a religious perspective, the existence of these precious containers can arouse passions and create temptation to deviate from religious values that teach simplicity, humility, and wisdom in managing wealth.

According to Imam Arramli, the reason for the prohibition of using containers or cutlery made of gold and silver is because of the elements of gold and silver itself and arrogance or feeling majestic.[14] mam Arramli stated that the reason for the prohibition against using containers or cutlery made of gold and silver was because the elements of gold and silver themselves had valuable and luxurious properties. The use of gold and silver in cutlery and dishes can reflect pride or a desire to feel great about having these precious objects. This is contrary to the values of modesty, humility and respect for wealth in Islamic teachings. Imam Arramli is of the opinion that luxury and arrogance in the use of gold and silver containers can create an impression that is not in accordance with religious teachings, so it should be avoided so as not to cause a waste of wealth and not reflect an arrogant attitude.

Abi Hasan Yahya Al Imrani has a different opinion with the majority of the Shafi'i school of scholars, that there is no prohibition against storing containers or

[13] Ar-Rafi'i, *Fathul Aziz Syarah Al Wajiz*, 1:312.
[14] Muhammad Arramli, *Nihayah Al Muhtaj*, vol. 1 (Beirut Lebanon: Darul Kutub Ilmiah, t.t.), 113.

cutlery made of gold. According to him, keeping valuable cutlery, such as those made of gold and silver, is permitted because it has economic value which can assist in the development of one's wealth. He argues that the hadith of the Prophet Muhammad only prohibits the direct use of gold tableware, but does not prohibit keeping it for collection or investment purposes. For example, collecting gold and silver cutlery as a form of investment or a valuable family treasure is not against the teachings of the Prophet Muhammad. Therefore, Abi Hasan Yahya Al Imrani is of the opinion that cutlery made from these precious metals can be stored without religious problems.[15]

Interestingly, Abi Hasan Yahya Al Imrani interpreted the hadith of the Prophet Muhammad wisely. For him, the hadith prohibiting the direct use of gold cutlery only meant that the excessive daily use of these precious objects was discouraged in religious teachings. However, the hadith does not prohibit keeping it for collection or investment purposes. For example, he pointed out that collecting gold and silver cutlery as a form of investment or as a valuable family treasure is not against the teachings of the Prophet Muhammad. With this view, Abi Hasan Yahya Al Imrani provides a broader understanding of the potential use and utilization of valuable objects without violating religious norms.

Therefore, based on this wise view, Abi Hasan Yahya Al Imrani stated that tableware made of precious metals, such as gold and silver, could be stored without causing religious problems. This opinion reflects an attitude of tolerance and flexibility in understanding religious teachings and recognizes the potential for economic value and collections in everyday life.

2. Overview of Usul Fiqh regarding Storing Containers Made of Gold and Silver

In the discipline of Ushul Fiqh, the prohibition of the use of storing containers made of gold and silver is carried out using the sadd al-żari'ah approach, namely deciding the path of damage as a method of eliminating this mafsada. Even though outwardly an act is free from mafsadah elements, but we are worried that it

[15] Abi Hasan Yahya Al Imarani, *Al Bayan Fi Mazhab Imam Syafi'i*, vol. 1 (Beirut Lebanon: Darul Minhaj, t.t.).

will become a way or a means for damage to occur, we must prevent this action.[16] Imam Syaukani also revealed that there are cases that are basically required but have the potential to fall into actions that are forbidden.

Even though at first glance an action may not appear to cause damage, if it is feared that it could be a way or a means for damage to occur, then this action must be avoided. Imam Syaukani also emphasizes things that at first glance are permissible (mubah), but can potentially become entrance for forbidden acts (haram). In this context, although the use and storage of containers of gold and silver may appear to be a trivial or harmless act, the potential to encourage society to engage in illicit acts makes it wiser to avoid using such vessels.

This sadd al-żari'ah approach reflects wisdom in preventing the possibility of bad consequences or negative impacts from seemingly harmless actions. This is in line with the principles of fiqh which encourage Muslims to live a life according to religious values, taking into account the consequences of the actions taken. Thus, avoiding the use and storage of gold and silver containers is a wise step to maintain the integrity and sanctity of religious values in everyday life.

Wahbah Zuhaili, a prominent Islamic scholar, delivers his commentary on the law using a "Sad Az Zarai" (preventing possible harm) approach.[17] This approach contains the principle that if an act that was initially permitted (mubah) can have an impact towards an unlawful act, then the act becomes unlawful.[18] The example he gave was regarding the law of seeing a woman's nakedness. According to Wahbah Zuhaili, seeing a woman's genitals illegally is prohibited (haram) because it can be an entrance or a way to commit adultery.[19]

Using the "Sad Az Zarai" approach, Wahbah Zuhaili emphasized that keeping a distance from actions that could have bad effects is part of an effort to protect oneself from sins and moral mistakes. This principle encourages Muslims to

[16] "Lokasi: Syarh Tanqih al-Fushul: Fi Akhtishar al-Mahshul Fi al-Ushul, 1st.ed./ Syihab ad-Din Abu Abbas Ahmad Bin Idris al-Qarafi," diakses 24 Juli 2023, https://onesearch.id/Record/IOS4317.laser-0781298?widget=1.

[17] - NUR FATIHAH BINTI ZAIDI, "TELAAH AYAT-AYAT TENTANG PENDIDIKAN ANAK DALAM MENCEGAH MASALAH KERUSAKAN AKHLAK MENURUT WAHBAH AZ-ZUHAILI DALAM TAFSIR ALMUNIR" (skripsi, UNIVERSITAS ISLAM NEGERI SULTAN SYARIF KASIM RIAU, 2023), https://repository.uin-suska.ac.id/72906/.

[18] Zuhaili Wahbah, *Al Wajiz fi Usuhulil Fikih Al Islami*, vol. 1 (Beirut Lebanon: Darul Minhaj, 2006), 279.

[19] Wahbah, 1:279.

be careful in dealing with situations that have the potential to lead them down the wrong and harmful path. The "Sad Az Zarai" approach demonstrates wisdom in understanding Islamic law and avoiding potential harm or possible moral decay. This also shows the importance of an in-depth understanding of religious values and efforts to live life according to His teachings by avoiding actions that can have negative consequences for oneself and the environment.

3. The Law of Using Gold and Silver Plated/Patched Containers

Imam Ibn al-Qasim in the book Fath al-Qarib states that in general, the use of vessels made of gold and silver is forbidden (haram). However, there were exceptions in emergency or urgent situations, such as when a person was very thirsty and had no other choice but to use vessels made of gold and silver. Under these conditions, Imam Ibn al-Qasim allowed the use of these vessels.[20]

This exception is given because in an emergency situation, especially when feeling thirsty, the top priority is to meet the basic human need to drink, and if no other vessel is available, then the use of vessels made of gold and silver is permissible as a measure to meet these urgent needs. However, it is important to note that this exception applies in an emergency and does not mean ignoring the law on the use of gold and silver which was previously forbidden under normal conditions.[21]

The hospitality and wisdom of the Islamic religion permits the use of something that is forbidden in an emergency. In Islam, the concept of emergency or urgency is known as "dharurat". In an emergency situation, where a person's life, health or survival is in danger, Islam provides leeway to use something that is usually forbidden if there is no other viable option to meet basic needs or avoid disaster. However, keep in mind that this concession only applies in emergencies, and does not mean ignoring the law or religious teachings as a whole. This exception is given as a form of discretion in situations that threaten one's life or safety, while prioritizing ethical principles and religious values in decision making.

In the book Fath al-Qarib, Imam Ibn al-Qasim also outlines his views on the use of vessels that involve a layer of gold or silver. According to him, if a vessel

[20] Ibrahim al-Bajuri, *Hasyiyah al-Bajuri 'ala Fath al-Qarib al-Mujib*, vol. 1 (Surabaya Indonesia: Haramain, 1999), 229.
[21] 1:229.

contains a layer of gold or silver and if the vessel is placed at a high temperature so that the gold or silver coating melts or disappears, then the use of such a vessel is considered haram or not permissible according to religious teachings. However, Imam Ibn al-Qasim is more in-depth in studying the use of vessels with gold or silver fillings.[22] Imam Ibn al-Qasim gives more comprehensive details on this matter:

First, for gold fillings, it doesn't matter if it's in small or large (absolute) amounts, its use is considered haram. Second, in the case of silver fillings, there are several details that need to be considered. If there are quite a lot of silver fillings in general, and their use is intended as decoration or as an attempt to beautify the vessel, then the law is also considered haraam. If there are quite a lot of silver fillings in general, but their use occurs because there is an urgent need (hajat), then the law is permissible, but still accompanied by the status of makruh (disliked). If the silver patch is only a few in general, and its use is intended as decoration or an attempt to beautify the vessel, then the law is considered makruh (disliked). However, if the silver fillings are only a few in general, and their use occurs because there is an urgent need (hajat), then the law is permissible.[23]

With great wisdom, Imam Ibn al-Qasim provides detailed explanations to guide Muslims in using vessels that have gold or silver fillings. This view reflects caution in considering the use of valuable objects in everyday life in accordance with religious values. Imam Ibn al-Qasim showed deep consideration of the potential extravagance and the impression of arrogance that might arise from the use of these luxury items, so that the religious view on this subject could be internalized and respected in daily life.

CONCLUSION

Imam Syafi'i is of the opinion that the use of gold and silver containers is not forbidden. However, in subsequent developments, he withdrew his opinion and stated that using or storing containers made of gold and silver was unlawful. Imam Nawawi commented that the majority of scholars agreed that it was not permissible to keep

[22] 1:231.
[23] 1:233.

containers or cutlery made of gold and silver. This is because the use of containers or cutlery is considered a form of arrogance and waste.

Imam Arafi'i adheres to the view that it is forbidden to keep containers made of gold or silver. This view is because he drew parallels with the law of storing musical instruments. For Imam Arafi'i, keeping musical instruments is considered haram because musical instruments can be used for purposes that are not justified in religion.

Abi Hasan Yahya Al Imrani is of the opinion that there is no prohibition against storing containers or cutlery made of gold. According to him, keeping valuable cutlery, such as those made of gold and silver, is permitted because it has economic value which can assist in the development of one's wealth. He argues that the hadith of the Prophet Muhammad only prohibits the direct use of gold tableware, but does not prohibit keeping it for collection or investment purposes.

In the Ushul Fiqh Science Discipline, the prohibition of the use of storing containers made of gold and silver is carried out using the sadd al-żari'ah approach, namely deciding the path of damage as a method of eliminating the mafsada. Even though in essence an act is free from mafsadah elements, we are worried that it will become a way or a means for damage to occur, so we must prevent this action. Wahbah Zuhaili, delivered his comments on the law using a "Sad Az Zarai" (preventing possible harm) approach. This approach contains the principle that if an act that was initially permitted (mubah) can have an impact towards an unlawful act, then the act becomes unlawful. The example he gave was regarding the law of seeing a woman's nakedness. According to Wahbah Zuhaili, viewing a woman's genitals illegally is prohibited (haram) because it can be an entrance or a way to commit adultery. Priest

Ibn al-Qasim outlines his views on the use of vessels involving gold or silver coating. According to him, if a vessel contains a layer of gold or silver and if the vessel is placed at a high temperature so that the gold or silver coating melts or disappears, then the use of such a vessel is considered haram or not permissible according to religious teachings. However, Imam Ibn al-Qasim stated that if gold or silver is used to thicken the container under normal use, then the law is permissible.

Another reason the use and storage of vessels made of gold and silver is prohibited or avoided in some religious views is to prevent pride and extravagance in life. The use of precious objects such as gold and silver can reflect excessive luxury or

appear arrogant, which is contrary to the values of modesty, humility and respect for wealth in religious teachings. By avoiding excessive or improper use of these precious vessels, Muslims are expected to lead a life of full awareness of religious values and be responsible in the management of wealth. Thus, the prohibition or avoidance of using gold and silver containers is an attempt to avoid negative impacts and foster a wise attitude in treating property.

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